

RESOLUTION NUMBER R- 283484

ADOPTED ON MAR 07 1994

WHEREAS, the provisions of Council Policy No. 600-15 require that a notice public hearing be conducted before the City Council prior to the vacation of a City street; and

WHEREAS, Section 8330, et seq. of the California Streets and Highways Code provides a procedure for the summary vacation of streets and public service easements by City Council resolution where the portion of street to be vacated is excess to the City's right-of-way needs and is no longer required for street or highway purposes; and

WHEREAS, in connection with said vacation, the City desires to reserve a certain easement; and

WHEREAS, the abutting property owners have requested the vacation of the northerly excess portion of Beech Street, between Seventh Avenue and Ninth Avenue, excess portions of Eighth Avenue between Beech Street and Cedar Street, and the westerly excess portion of Ninth Avenue between Beech Street and Cedar Street, to facilitate development of their property; and

WHEREAS, the portion of street to be vacated is not needed for present or prospective public street purposes; and

WHEREAS, those properties adjoining the street to be vacated will continue to have access; and

WHEREAS, the public will benefit from the vacation through improved utilization of land; and

WHEREAS, the vacation is not inconsistent with the General Plan or an approved Community Plan; and

WHEREAS, it is necessary and desirable that the vacation be conditioned upon completion of certain public improvements; and

WHEREAS, the public street system for which the right-of-way was originally acquired will not be detrimentally affected by this vacation; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

1. That the northerly excess portion of Beech Street, between Seventh Avenue and Ninth Avenue, excess portions of Eighth Avenue between Beech Street and Cedar Street, and the westerly excess portion of Ninth Avenue between Beech Street and Cedar Street, as more particularly shown on Drawing No. 27247-D on file in the office of the City Clerk as Document No.

RR-283484, which is by this reference incorporated herein and made a part hereof, be and the same is hereby ordered vacated.

2. That The City of San Diego hereby reserves and excepts the right, from vacation and abandonment, general utility easements, and rights of any public utility, pursuant to any existing franchise or renewals thereof, at any time, or from time

to time, to construct, maintain, operate, replace, remove, renew, and enlarge overhead or underground lines of pipe, conduits, cables, wires, poles, and other structures, equipment, and fixtures for the transportation and distribution of communication signals, and fixtures for the transportation and distribution of electrical or electronic energy and natural gas, and for incidental purposes including access to protect the property from all hazards in, upon, over, and across the above-described portions of streets to be vacated and abandoned.

3. That the general utility easement reserved herein is in, under, over, upon, along, and across those portions of Beech Street, Eighth Avenue and Ninth Avenue, and that the easement is more particularly shown and delineated on Drawing No. 27247-D on file in the office of the City Clerk as Document No.

RR-283484 1

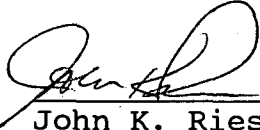
4. That the resolution shall not become effective unless and until the required public improvements have been assured in a matter satisfactory to the City Engineer. In the event that these public improvements are not assured within two (2) years following adoption of this resolution, then this resolution shall become void and of no further force or effect.

5. That the City Engineer shall advise the City Clerk of the completion of the aforementioned street improvements, and

that the City Clerk shall then cause a certified copy of this resolution, with drawing, attested by him under seal, to be recorded in the office of the County Recorder.

APPROVED: JOHN W. WITT, City Attorney

By



John K. Riess  
Deputy City Attorney

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Or.Dept:E&D  
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